
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

WILLIAM M. YORK, and INTERPORT,
INC.,

Plaintiffs,

v.

RICHARD GARDINER,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 2:12-cv-326-DB

District Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Brooke Wells on December 31, 2014, recommending that this court dismiss this case. The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. On January 14, 2015, Plaintiff William York filed a document titled “Request for Stay Per Bankruptcy Filing.” (Dkt. No. 39.) After review of the content of Plaintiff’s *pro se* motion, which seeks review of the magistrate judge’s report, the Court finds that Plaintiff’s “motion” is more appropriately characterized as an objection to the Report and Recommendation, and will consider it as such. On January 15, 2015, Defendants filed a response to Plaintiff’s objection. (Dkt. No. 40.)

Having reviewed all relevant materials, including Plaintiff’s objection, Defendant’s response, and the reasoning set forth in the magistrate judge’s Report and Recommendation, the Court agrees with the conclusion of the magistrate judge. Moreover, the alleged representation made to Plaintiff that the instant case was stayed because he filed for bankruptcy on December 3,

2014 cannot excuse his failure to respond to the Order to Show Cause entered two weeks later, on December 17, 2014.

Accordingly, the court ADOPTS the Report and Recommendation and DISMISSES this case.

IT IS SO ORDERED.

DATED this 5th day of February, 2015.

BY THE COURT:



Dee Benson
United States District Judge